

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MARCUS EDWARD PHILLIPS,
as Administrator of the Estate of
Susie Lucille Phillips, deceased,

Plaintiff,

V.

THE CITY OF OPP, ALABAMA, et al.,

Defendants.

Case No. 2:05-cv-934-T

JOINT RULE 26(f) REPORT

Pursuant to the Court's order of November 17, 2005 (Doc. 9), the parties submit this joint Rule 26(f) report.

By participating in the preparation of this report, the defendants do not waive their motion to stay discovery. (See Doc. 11.) The parties request a scheduling conference before the Court issues a scheduling order.

I. Pursuant to Fed. R. Civ. P. 26(f), on December 1, 2005, the parties agreed on a discovery plan.

II. Pre-Discovery Disclosures. The parties will exchange by December 30, 2005, the information required by Fed. R. Civ. P. 26(a)(1).

III. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

A. Discovery will be needed on the following subjects:

1. The facts and circumstances surrounding the events made the basis of this lawsuit;
2. Expert witness opinions; and

3. The damages claimed by the plaintiff.

- B. All discovery should be commenced in time to be completed by September 8, 2006.
- C. A maximum of forty interrogatories should be allowed by each party to any other party.
- D. A maximum of forty requests for production should be allowed by each party to any other party.
- E. A maximum of forty requests for admission should be allowed by each party to any other party.
- F. A maximum of six depositions by plaintiff and six by defendant should be allowed.
- G. Each deposition should be limited to a maximum of seven hours, unless extended by agreement of parties.
- H. Reports from retained experts under Rule 26(a)(2) should be due:
 - 1. From the plaintiff by February 17, 2006; and
 - 2. From the defendant by March 31, 2006.
- I. Supplementations under Rule 26(e) should be due August 18, 2006.

IV. Other Items.

- A. The parties request a conference with the Court before entry of the scheduling order.
- B. The parties request a pretrial conference on August 28, 2006.
- C. The plaintiff should be allowed until February 10, 2006, to join additional parties and to amend the pleadings.
- D. The defendants should be allowed until February 24, 2006, to join additional parties and to amend the pleadings.
- E. All potentially dispositive motions should be filed by May 30, 2006.
- F. Settlement cannot be evaluated prior to May 30, 2006.

- G. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the plaintiff by August 25, 2006.
- H. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the defendant by August 25, 2006.
- I. Parties should have fourteen days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- J. The case should be ready for trial by October 2, 2006, and at this time, is expected to take approximately two days.

Dated: December 5, 2005.

/s/ Charles Matthew Brunson

Charles Matthew Brunson (BRU019)
Attorney for Plaintiff

/s/ James H. Pike

James H. Pike (PIK003)
Attorney for Defendants